

1 PENELOPE A. PREOVOLOS (CA SBN 87607)
2 (PPreovolos@mofo.com)
3 ANDREW D. MUHLBACH (CA SBN 175694)
4 (AMuhlbach@mofo.com)
5 JOHANNA W. ROBERTS (CA SBN 191472)
6 (JRoberts@mofo.com)
7 NATALIE NAUGLE (CA SBN 240999)
8 (NNaugle@mofo.com)
9 MORRISON & FOERSTER LLP
10 425 Market Street
11 San Francisco, California 94105-2482
12 Telephone: 415.268.7000
13 Facsimile: 415.268.7522

14 *Attorneys for Defendant*
15 APPLE COMPUTER, INC.

16 LAW OFFICES OF HELEN ZELDES
17 HELEN I. ZELDES (CA SBN 220051)
18 249 Highway 101 – No. 370
19 Solana Beach, CA 92075
20 Telephone: 858.523.1713
21 Facsimile: 858.523.1783
22 Email: HelenZ@zeldeslaw.com

23 BERNSTEIN LIEBHARD & LIFSHITZ, LLP
24 KEITH M. FLEISCHMAN
25 RONALD J. ARANOFF
26 SUSAN COLLYER (CA SBN 179621)
27 10 East 40th Street – 2nd Floor
28 New York, NY 10016
Telephone: 212.779.1414
Facsimile: 212.779.3218
Email: Collyer@bernlieb.com

29 *Attorneys for Plaintiff*
30 BRIAN F. GORDON

31 UNITED STATES DISTRICT COURT
32 NORTHERN DISTRICT OF CALIFORNIA
33 SAN JOSE DIVISION

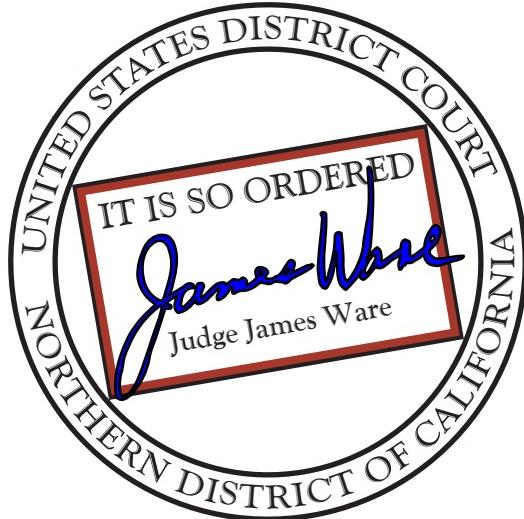
34 BRIAN F. GORDON, on behalf of himself and all
35 others similarly situated,

36 Plaintiff,

37 v.

38 APPLE COMPUTER, INC., and, DOES 1
39 THROUGH 50, inclusive,

40 Defendant.



41 Case No. C 06 5358 JW

42 CLASS ACTION

43 STIPULATION TO
44 CONTINUANCE OF CASE
45 MANAGEMENT CONFERENCE

1 *WHEREAS*, a Case Management Conference is scheduled for December 18, 2006; and
2 *WHEREAS*, the parties have participated in the requisite ADR Phone Conference; and
3 *WHEREAS*, the parties have agreed to private mediation;

4 IT IS HEREBY STIPULATED AND AGREED pursuant to Northern District Local Rule
5 6-2(a) that the Case Management Conference currently scheduled for December 18, 2006, shall
6 be continued to February 5, 2007.

7 SO STIPULATED.

8 Dated: December 13, 2006

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
JOHANNA W. ROBERTS
NATALIE NAUGLE
MORRISON & FOERSTER LLP

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By: /s/ Penelope A. Preovolos
Penelope A. Preovolos

Attorneys for Defendant
APPLE COMPUTER, INC.

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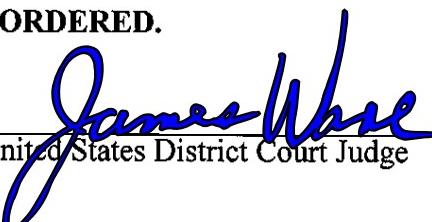
Dated: December 13, 2006

HELEN ZELDES
LAW OFFICES OF HELEN ZELDES

KEITH M. FLEISCHMAN
RONALD J. ARANOFF
SUSAN COLLYER
BERNSTEIN LIEBHARD & LIFSHITZ, LLP

By: /s/ Helen Zeldes
Helen Zeldes

Attorneys for Plaintiff
BRIAN F. GORDON



United States District Court Judge

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 14, 2006

1 I, Penelope A. Preovolos, am the ECF user whose ID and password are being used to file
2 this Stipulation to Continuance of Case Management Conference. In compliance with General
3 Order 45.X.B, I hereby attest that Helen I. Zeldes has concurred in this filing.
4

5 Dated: December 13, 2006

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
JOHANNA W. ROBERTS
NATALIE NAUGLE
MORRISON & FOERSTER LLP

9 By: /s/ Penelope A. Preovolos
10 Penelope A. Preovolos

11 *Attorneys for Defendant*
12 APPLE COMPUTER, INC.

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CERTIFICATE OF SERVICE BY MAIL
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**STIPULATION TO CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Ronald J. Arandoff, Esq.
Keith M. Fleischman, Esq.
Bernstein Liebhard & Lipshitz, LLP
10 East 40th Street, 2nd Floor
New York NY 10016

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 13th day of December, 2006.

Carol J. Peplinski
(typed)

/s/ Carol J. Peplinski
(signature)

ATTESTATION OF E-FILED SIGNATURE

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Proof of Service. In compliance with General Order 45, X.B., I hereby attest that Carol J. Peplinski has read and approved this Proof of Service and consents to its filing in this action.

Dated: December 13, 2006.

MORRISON & FOERSTER LLP

/s/ Penelope A. Preovolos
/s/ Penelope A. Preovolos